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**FISCAL IMPACT STATEMENT**

**LS 7077**

**BILL NUMBER:** HB 1242

**NOTE PREPARED:** Jan 27, 2011

**BILL AMENDED:** Jan 27, 2011

**SUBJECT:** Various Election Law Matters.

**FIRST AUTHOR:** Rep. Richardson

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill makes the following changes to the election law:

*Contents of Reports-* The bill specifies the contents of statewide voter registration system reports.

*Voter Registration List Maintenance-* The bill specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system.

*Return of Declaration of Candidacy Petitions-* The bill permits a county voter registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy.

*Matching Candidate and Ballot Questions/Device Certification Dates-* The bill changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates.

*Dissolving Candidate Committees-* The bill permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts.

*Registration Records Update-* The bill requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest.

*Precinct Boundaries-* The bill provides that if a proposed precinct boundary splits a census block, the precinct establishment order must include a description of the precinct boundary in metes and bounds or one or more aerial photographs that depict each census block that is split and the boundary of the precinct that splits each census block. The bill makes other technical changes. The bill revises precinct boundary change procedures.

*Special Election Certificate of Nomination-* The bill requires a certificate of nomination in a special election called by the Governor to be filed not later than noon 74 days (rather than noon 50 days) before the date of the election.

*Candidate Vacancies-* The bill specifies that notice of a meeting to fill an early candidate vacancy must be filed not later than noon ten days before the meeting with the public official required to receive these notices. The bill specifies that a certificate to fill certain early candidate vacancies must be filed not later than noon three days after the selection of the candidates. The bill permits a county chairman of a political party to designate a person to preside over a meeting to fill an early candidate vacancy or a vacancy in a local office. The bill makes other changes relating to filling candidate vacancies.

*Repealers and Technical Corrections-* The bill repeals obsolete references concerning voting instructions, paper ballots, and special polling places. It makes a technical correction.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** *Matching Candidate and Ballot Questions/Device Certification Dates-* The bill would place the certification of independent or minor political party candidates, public questions and devices on the same date as the certification of nominees and ballot placement. The deadline for Secretary of State certification of the above items would be 74 days before the general election. The proposed deadline for the 2010 general election would have been approximately noon on Friday, August 20, 2010, the same day as in current law.

(Revised) *Special Election Certificate of Nomination-* This provision would give the Election Division 24 more days time to process the certificates of nomination for a Governor-called special election.

**Explanation of State Revenues:** *Dissolving Candidate Committees-* This provision could increase collection of outstanding civil penalties assessed on candidate committees. Under current law, in order to be administratively dissolved, the Election Commission must determine that further effort to collect outstanding civil penalties from a committee is not a prudent use of state resources. This provision would give the Election Commission the option to waive penalties *after* a committee has been administratively dissolved. Therefore, committees could be dissolved while remaining liable for any civil penalties assessed.

As of December 16, 2010, the Election Division (ED) had 164 candidate committees with approximately \$130,496.54 in unpaid civil penalties. None of the 164 committees have been turned over to the Attorney General (AG) to date. The ED has not turned over a committee with unpaid civil penalties to the AG since December 2007.

Civil penalties collected from candidate committees are deposited into the Campaign Finance Enforcement Account.

**Explanation of Local Expenditures:** (Revised) *Special Election Certificate of Nomination-* This provision

would give county election boards 24 more days time to process the certificates of nomination for a Governor-called special election.

(Revised) *Precinct Boundaries*- The addition of aerial photographs in the affected areas would add negligible costs to the preparation of a precinct establishment order. Counties are already required to report descriptions of boundaries in metes and bounds, if the proposed boundaries of the precinct follows the boundary of a municipality, state legislative district, or municipal legislative district.

**Explanation of Local Revenues:** *Dissolving Candidate Committees*- This provision could increase the collection of outstanding civil penalties assessed on candidate committees. Under current law, in order to be administratively dissolved, county election boards must determine that further efforts to collect outstanding civil penalties from a committee are not a prudent use of local resources. The bill would allow boards the option to waive penalties *after* a committee has been administratively dissolved. Therefore, committees could be dissolved while remaining liable for any penalties assessed.

**State Agencies Affected:** Secretary of State, Election Division, Treasurer of State.

**Local Agencies Affected:** County Election Boards; Circuit Court Clerk.

**Information Sources:** State Budget Agency, Auditor's Data; Election Division.

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